

### **Remarks**

The Applicant is submitting new independent claims 150, 151 and 153 and dependent claims 152 and 154. The Applicant believes that these claims are distinguishable from the primary reference, U.S. Patent 7,257,547 ("Terase"). Terase is dependent upon PHS units, identified with reference number 22 in Figure 3, for communications between the system and the staff. PHS units are first generation Japanese cellular telephones capable of providing voice communication and SMS messaging over the cellular network. Attached hereto is a description from Wikipedia regarding what features exist within the PHS unit. This is the same sheet that was presented to the Examiner during the interview with the Applicant and her attorney on July 28, 2009.

The new independent claims of the Application have been crafted to distinguish from Terase in two major aspects. First, the staff units in the present Application are specifically required in the new claims to have an interactive touch screen which is used to enter information, such as orders from patrons, into the unit for communication to a central computer. Second, the communication between the patron units and the central computer system and between the staff units and the central computer system is now specified as being over a TCP/IP network, which further distinguishes from Terase. Although several handheld devices now have this capability, for instance, iPhones and Blackberries, this capability in handheld devices did not exist at the time the present Application was filed. In any case, no application of the type claimed in the new independent claims was contemplated for use with such a device.

As a result, the Applicant respectfully submits that the new claims 151 and 153 as presented herein are distinguishable over Terase. The Applicant notes that the main Application rejection in the last Office Action was based upon a combination of Terase and Cogen. Cogen was used to show that a previous order history from the patrons was being stored on a central computer. That limitation is not

present in new independent claims 150, 151 and 153 and as a result, Cogen is irrelevant with respect to the two new claims.

**Conclusion**

The Applicant again thanks the Examiner and the Supervisory Examiner for the time taken on July 28, 2009 for the in-person interview with the Applicant and her attorney. The Applicant requests that the Examiner, in his next review, examine the two new independent claims in light of the discussion during our interview. The Applicant believes that the two new independent claims are distinguished from Teras as previously discussed in that Teras does not disclose the touch screen interface, nor does it disclose communication with other components of the system via a TCP/IP network.

Respectfully submitted,

/DMC/

Dennis M. Carleton  
Reg. No. 40,938  
FOX ROTHSCHILD LLP  
625 Liberty Avenue, 29<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 394-5568

Date: August 1, 2009